United Nations CERD/C/SLV/Q/16-17

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
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Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined sixteenth and seventeenth periodic reports of El Salvador (CERD/C/SLV/16-17)

Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

1. Scarcity of reliable indicators of the composition of the population

(a) Information on the measures taken to improve census methodology with a view to ensuring a higher level of self-identification that would reflect the diversity of Salvadoran society and on the measures taken to create a climate of trust among indigenous peoples and people of African descent prior to the census (CERD/C/SLV/CO/14-15, para. 12). Information on the reasons for the postponement of the census scheduled for 2012. Further information on the data already collected by various State institutions within their areas of responsibility.

2. The legal, institutional and public policy framework for combating racial discrimination (arts. 2 to 7)

(a) Further information on efforts to incorporate a definition of racial discrimination into Salvadoran law which includes all elements set out in article 1 of the Convention (CERD/C/SLV/CO/14-15, para. 13);

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(b) Affirmative action taken to combat racial discrimination (CERD/C/SLV/CO/14-15, para. 13);

(c) Further information on the measures taken, in particular by the Legislative Assembly, to secure the passage of constitutional amendments recognizing the rights of indigenous peoples (CERD/C/SLV/CO/14-15, para. 14);

(d) Measures taken or envisaged to modify domestic legislation in relation to the prohibition of racist organizations and of incitement to racial hatred (art. 4) (CERD/C/SLV/CO/14-15, para. 17);

(e) Measures taken or envisaged to modify domestic legislation in order to criminalize all acts of racism, including acts not committed by public officials (art. 2) (CERD/C/SLV/CO/14-15, para. 17);

(f) Information and statistics on legal action taken and penalties imposed in cases dealing with acts of racial discrimination (CERD/C/SLV/CO/14-15, para. 17);

3. Situation of indigenous peoples and people of African descent (arts. 1 to 7)

(a) Information on violence in urban and rural areas and its impact on ethnic groups;

(b) Measures to ensure that indigenous peoples, including indigenous women, participate in government and the management of public affairs at all levels and that they enjoy equal access to the public service (CERD/C/SLV/CO/14-15, para. 14);

(c) Further information on the work of the National Directorate for Indigenous Peoples and Cultural Diversity of the Cultural Secretariat of the Office of the President. Information on the multisectoral forum of agencies dealing with issues relating to indigenous peoples and indigenous organizations and on the Permanent Committee on the Rights of Indigenous Peoples of the Office of the Human Rights Advocate. Information on the legal and institutional framework for the development of a mechanism for conducting consultations with indigenous peoples with a view to obtaining their free, prior and informed consent with regard to, among other things, natural resource development, megaprojects, public policies or other initiatives concerning them;

(d) Further information on the measures taken or envisaged to improve the enjoyment of economic, social and cultural rights by indigenous women and women of African descent;

(e) Measures taken or envisaged to ensure that indigenous peoples and people of African descent have access to safe drinking water and measures taken to address water pollution near indigenous communities (CERD/C/SLV/CO/14-15, para. 19);

(f) Further information on the legal framework and procedure established to ensure access to land for indigenous peoples, both individually and collectively, and disaggregated data on the title deeds issued by the Salvadoran Institute of Agrarian Reform on the basis of the self-identification of the beneficiary (CERD/C/SLV/CO/14-15, para. 19);

(g) Further information on the efforts made to: facilitate access for indigenous peoples and people of African descent to housing, in particular information on the status of the implementation of the pilot project for indigenous housing; facilitate access to intercultural health services, such as those provided by community health-care teams through intercultural health projects in areas with a strong indigenous heritage; and

facilitate access to intercultural education, in particular information on the participation of indigenous peoples in the development of education programmes and on the efforts made to reduce the disparity between the educational achievement rates in urban and rural areas. Information on Ministry of Agriculture projects developed in conjunction with indigenous and Afro-descendant organizations (CERD/C/SLV/CO/14-15, para. 19);

(h) Measures taken to improve the enjoyment of economic, social and cultural rights by Afro-descendants and to prepare a plan for enhancing the recognition and visibility of the Afro-descendant population (CERD/C/SLV/CO/14-15, para. 20);

(i) Programmes for the revitalization of indigenous languages, in particular with regard to the Lenca, Kakawira (Cacaopera) and Mayan languages (CERD/C/SLV/CO/14-15, para. 21).

4. Situation of migrants (arts. 2, 5 and 6)

(a) The legal framework for ensuring that migrants are not discriminated against and the measures taken to ensure that they enjoy their human rights without discrimination, including access to emergency medical care, education and justice.